

HOUSE BILL REPORT

SHB 1061

As Passed House:
February 22, 2011

Title: An act relating to on-site wastewater treatment systems designer licensing.

Brief Description: Concerning on-site wastewater treatment systems designer licensing.

Sponsors: House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Green and Kelley).

Brief History:

Committee Activity:

Business & Financial Services: 1/14/11, 1/18/11 [DP];

General Government Appropriations & Oversight: 1/27/11, 2/1/11 [DPS].

Floor Activity:

Passed House: 2/22/11, 89-4.

Brief Summary of Substitute Bill

- Modifies the on-site wastewater treatment systems designer licensing provisions regarding unprofessional conduct, experience and education requirements, and renewals.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: Do pass. Signed by 10 members: Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Blake, Condotta, Hudgins, Hurst, Pedersen, Ryu and Stanford.

Minority Report: Do not pass. Signed by 3 members: Representatives Buys, Assistant Ranking Minority Member; Parker and Rivers.

Staff: Alison Hellberg (786-7152).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS & OVERSIGHT

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Hudgins, Chair; Miloscia, Vice Chair; McCune, Ranking Minority Member; Ahern, Blake, Fitzgibbon, Ladenburg, Moscoso, Pedersen, Van De Wege and Wilcox.

Minority Report: Do not pass. Signed by 1 member: Representative Taylor, Assistant Ranking Minority Member.

Staff: Michael Bennion (786-7118).

Background:

Licensing of On-site Wastewater System Designers.

On-site wastewater system designers are licensed and regulated by the Board of Registration for Professional Engineers and Land Surveyors (Board). The licensing requirement was enacted in 1999. Previous to that, many local health agencies had licensed designers. The law allowed for designers licensed under a local ordinance to obtain a "practice permit" to continue practicing. All practice permits expired on June 30, 2003.

An "on-site wastewater treatment system" is an integrated system of components that convey, store, treat, and/or provide subsurface soil treatment and disposal of wastewater effluent on the property where it originates or on adjacent or other property and includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas, for on-site wastewater treatment under 3,500 gallons per day when not connected to a public sewer system.

"On-site wastewater design" means the development of plans, details, specifications, instructions, or inspections by application of specialized knowledge in analysis of soils, on-site wastewater treatment systems, disposal methods, and technologies to create an integrated system of collection, transport, distribution, treatment, and disposal of on-site wastewater.

License Requirements.

A license to design on-site wastewater treatment systems is obtained by passing a written examination, having a high school diploma or its equivalent, and having either at least four years of experience, or two years of relevant college-level course work and two years of experience. Out-of-state experience in on-site design, inspection, and/or construction activities may satisfy the necessary experience requirements.

License Renewal.

Licenses must be renewed annually. A license not renewed for two years is canceled and the holder must reapply. To renew a license, the holder must pay a fee and satisfy continuing education requirements established by the Board.

Unprofessional Conduct.

Activities which constitute unprofessional conduct are specified. Upon finding a violation, the Board may reprimand or fine a practice permit or license holder, or suspend, revoke, deny, or refuse to renew a license or permit. The work of licensed designers must also comply with standards of practice adopted by the Board.

Local Health Inspector Certificates of Competency.

Employees of local health jurisdictions who inspect, review, or approve the design and construction of on-site systems must obtain a certificate of competency by passing the examination administered for licensing designers. A certificate of competency does not allow the holder to provide on-site wastewater treatment design services. Certificates may be renewed by payment of a fee and satisfaction of continuing education requirements.

Summary of Substitute Bill:

References to practice permits are removed. It is unprofessional conduct, for disciplinary purposes, if an applicant submits false, fraudulent, or misleading information in an application for licensure or certification. In addition to individuals acting on behalf of the Director of the Department of Licensing, individuals acting on behalf of the Board are also immune to liability in any civil action or criminal case for acts performed in the course of their duties.

Changes are made to the experience and education requirements. Rather than allowing applicants to substitute two years of the experience requirements by completing two years of college-level work in specified subjects, applicants may either complete satisfactory college-level course work or successfully participate in a Board-approved internship program. The continuing education requirement for certificate holders is removed.

The reciprocity requirements are also modified. Certain people licensed from jurisdictions outside of Washington to perform design services for site soil assessment, hydraulics, topographic delineations, use of specialized treatment processes and devices, microbiology, and construction practices of on-site wastewater treatment systems may be granted a license without examination.

Rather than requiring that the licenses be renewed annually, authority is granted to the Board to determine the renewal period for licenses and certificates. For determining renewal fees, the pool of licensees and certificate holders is combined with engineer and land surveyor licensees.

Local health jurisdictions and the Washington State Department of Health retain authority to:

- administer state and local regulations and codes for approval or disapproval of designs for on-site wastewater treatment systems;
- issue permits for construction;
- evaluate soils and site conditions for compliance with code requirements; and
- perform on-site wastewater treatment design work as authorized in state and local board of health rules.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Business & Financial Services):

(In support) This bill updates licensing provisions that have not been changed since 1999. Designers are a key link to meeting water quality objectives in the state and for the jobs of construction contractors who depend on them. This is a small group of people, but their work is very important. This bill will insure the viability of this profession and preserves jobs in a down economy. It also improves government efficiency. Last year, the same bill passed out of the Commerce and Labor Committee unanimously and also passed off the House floor.

Over 50 percent of currently licensed designers are over 55 years old. This could lead to a shortage. Under the current law there are some barriers for people to sit for the exam. For example, there is a four-year college-level requirement. Many of the people entering the profession are mid-career transitioners who have professional experience in the wastewater industry, but no college degree. The bill gives the Board more flexibility to consider education and experience.

(Opposed) None.

Staff Summary of Public Testimony (General Government Appropriations & Oversight):

(In support) The bill cleans up obsolete language in current legislation, improves the process of designer licensing, and encourages entry of new blood into the system design profession by improving reciprocity and lowering the barriers to entry by changing education and experience requirements. It is very important that we keep the profession in the state and do so effectively.

(Opposed) None.

Persons Testifying (Business & Financial Services): Representative Green, prime sponsor; John Thomas, Washington Onsite Sewage Association; and Terry Hull.

Persons Testifying (General Government Appropriations & Oversight): Terry Hull, Washington Onsite Sewage Association.

Persons Signed In To Testify But Not Testifying (Business & Financial Services): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations & Oversight): None.